



# MAYOR AND COUNCIL AGENDA

NO. 4 DEPT.: Community Planning and Development Services/Legal  
STAFF CONTACT: Jeremy Hurlbutt

DATE PREPARED: 7/10/05  
FOR MEETING OF: 7/25/05

**SUBJECT:** Discussion and Instructions to Staff: Street Closing and Abandonment Application SCA2005-00094, for the permanent abandonment of a 5,509 square foot segment of the right-of-way for Chapman Avenue between Bouic Avenue and Halpine Road, Twinbrook Commons, LLC, applicant.

**RECOMMENDATION:** Instruct staff to prepare Ordinance for adoption.

**DISCUSSION:** The applicant has filed this abandonment application for a segment of Chapman Avenue totaling 5,509 square feet of land area. The abandonment area is located on the eastern portion of the right-of-way, is 7 feet wide and extends from the existing back of curb to the limit of the existing right-of-way. The abandonment will allow for wider sidewalks, café zones, and will provide for other streetscape design elements as approved in PDP for the Twinbrook Commons, LLC project.

The Mayor and Council held a public hearing on this application on July 11, 2005. Three members of the public spoke and were concerned that the notification termed the application a street closing. It was explained at the hearing that the application is not a street closing, but an abandonment of a portion of the public right-of-way to allow wider sidewalks. Questions were also raised about the width of the sidewalks in the area to be abandoned. The sidewalk width in the area to be abandoned will be 19 feet, except for the northernmost section that provides access to the parking structure where it will be 15 feet.

Staff recommends that the abandonment be conditioned on the grant of an easement to all utility companies with facilities within the subject area, including PEPCO, which has overhead, underground, and service facilities in the subject area.

**Boards and Commissions Review:** The Planning Commission reviewed this application on May 25, 2005 and unanimously recommended approval. Their recommendation is attached.

**PREPARED BY:**

Jeremy D. Hurlbutt  
Jeremy Hurlbutt, Planner I

**APPROVED BY:**

R. James Wasilak  
R. James Wasilak, AICP, Chief of Planning

7/19/05  
**DATE:**

**APPROVED BY:**

Arthur D. Chambers  
Arthur D. Chambers, AICP, Director

7/19/05  
**DATE:**

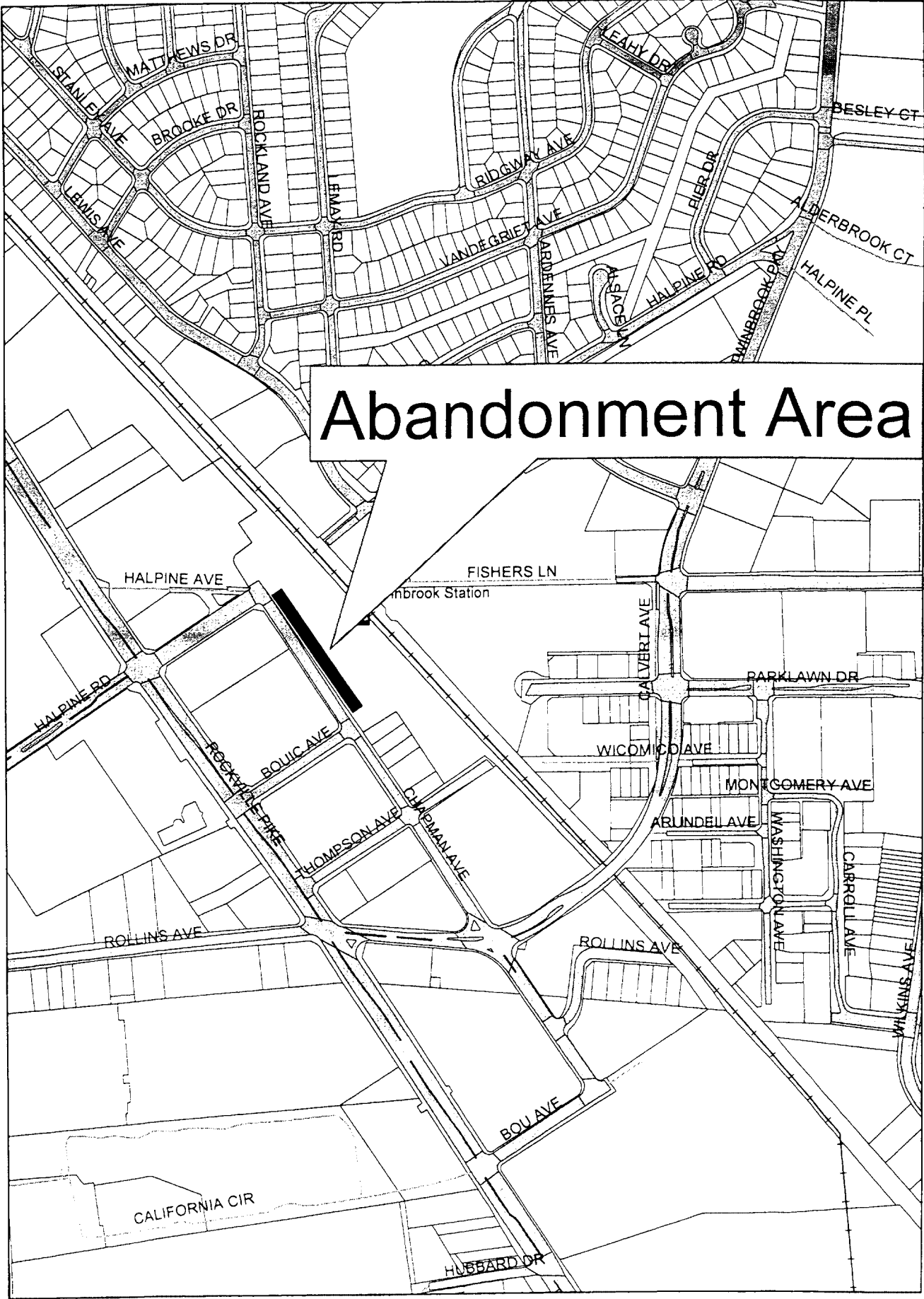
**APPROVED BY:**

Scott Ullery  
Scott Ullery, City Manager

7/19/05  
**DATE:**

**LIST OF ATTACHMENTS:**

1. Location Map
2. Planning Commission Recommendation
3. Staff Report to the Planning Commission
4. Application for Abandonment





City of Rockville

## MEMORANDUM

May 26, 2005

TO: Mayor & Council

FROM: Planning Commission

SUBJECT: Recommendation on Street Closing and Abandonment application SCA2005-00094, Mayor and Council, Applicant

At its meeting of May 25, 2005 the Planning Commission reviewed the above referenced street abandonment application. The section of Chapman Avenue described in the application is located between Halpine Road and Bouic Avenue. The area involved is a 7ft portion of right-of-way on the east side of Chapman Avenue extending from the existing right-of-way to the back of the existing curb.

The Planning Division Staff Report recommended approval of the application as being necessary for the ultimate development of the Twinbrook Commons project.

The Planning Commission received comments from the Applicant, Planning staff, Legal staff and Citizens. No other comments were received.

The Planning Commission is in agreement with the planning staff's recommendation. Therefore the Planning Commission, on motion of Commissioner Hilton, and seconded by Commissioner Holtz, recommends approval of the proposed street abandonment by a vote of 6 to 0 with one member absent.

Cc: Planning Commission

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

May 25, 2005

**SUBJECT:** Road Abandonment Application  
SCA2005-00094

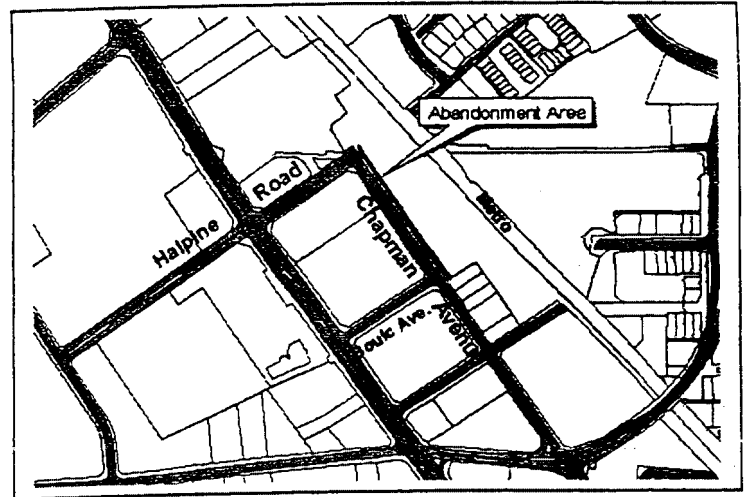
**Applicant:** Twinbrook Commons LLC  
4445 Willard Avenue  
Chevy Chase, MD 20815

**Owner:** Twinbrook Commons LLC

**Date Filed:** May 6, 2005

**Public Hearing:** July 11, 2005

**Location:** The east side of Chapman Avenue  
between Bouic Avenue and Halpine Road



**REQUEST:**

The applicant requests the abandonment of portions of the right-of-way of Chapman Avenue between Bouic Avenue and Halpine Road.

**STAFF RECOMMENDATION:** Approval

**ANALYSIS**

**Property Description**

Application SCA2005-00094 proposes the abandonment of portions of the right-of-way for Chapman Avenue. The portion runs along the east side of the right-of-way and is needed to provide a consistent streetscape for the proposed Twinbrook Commons development. This is consistent with the approved PDP.

**Project Proposal**

SCA2004-00094 proposes to abandon the right-of-way along the east side of Chapman Avenue from the back of the curb to the edge of the existing right-of-way between Bouic Avenue and Halpine Road. This area has a width of seven feet and encompasses a total land area of 5,059 square feet or about 0.12 acres. The approved right-of-way for Chapman Avenue will end at the back of the existing curb, with the sidewalk and street trees within a public easement on private property. In the Twinbrook Commons project, a Commercial Management District will be established that will be responsible for maintaining the sidewalk and the street tree areas. A public access easements will cover the abandoned portion of the right-of-way.

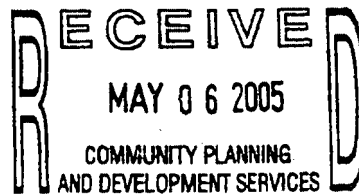
The right-of-way for Chapman Avenue between Bouic Avenue and Halpine Road was dedicated at approximately 60 feet wide in anticipation of being constructed in the normal configuration. With the approval of the abandonment permit, the right-of-way for Chapman Avenue will be reduced to a

nominal 53 feet in width. SCA2005-00094 will establish a revised public right-of-way and provide for sidewalk, street tree, and café zone improvements.

## CONCLUSION

Staff finds that the proposed abandonments can be approved. The proposed abandonment is consistent with the street configurations for the rest of the Twinbrook Commons Preliminary Development Plan and the abandonment does not adversely affect the street or traffic.

May 5, 2005



PATRICIA A. HARRIS  
301-215-6613  
patricia.harris@hklaw.com

ATTACHMENT 4

VIA UPS

Mr. Deane Mellander  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20852

RECEIVED  
CITY CLERK'S OFFICE  
2005 MAY -6 PM 1:48

Re: Twinbrook Commons -  
Abandonment of Portion of Chapman Avenue

Dear Mr. Mellander:

Enclosed please find an Abandonment Application for a portion of the Chapman Avenue right-of-way. The abandonment of this area will provide for consistent treatment of the sidewalks throughout Twinbrook Commons and allow for the establishment of café zones within this area along Chapman Avenue.

As we discussed, it is your intent that the Abandonment Application will be considered by the Planning Commission at the same time they consider the Use Permit for either the West Side (tentatively scheduled for May 25, 2005) or the East Side (tentatively scheduled for June 8, 2005).

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in dark ink, appearing to read "Patricia A. Harris".

Patricia A. Harris

Enclosures

cc: Mr. Rod Lawrence  
Ms. Rosalyn Doggett

# 2826354\_v1

APPLICATION TO CLOSE  
AND ABANDON  
PUBLIC WAY  
ROCKVILLE, MARYLAND

NOTICE

This application must be typewritten or printed and filed in duplicate, with attachments, in the office of the City Clerk.

WMATA\*

Twinbrook Commons LLC (long term lessee)

Name of Applicant

4445 Willard Avenue

Street Address

Chavy Chase, Maryland 20815

City State Zip Code

(240) 333-3600

Telephone No.

TO BE FILLED IN BY THE CLERK:

Application No: SCA2005-00094

Filing Date: 5/6/05

Hearing Date: 7/11/05

Decision and Date: \_\_\_\_\_

The undersigned hereby makes application with the Mayor and Council of Rockville, Maryland, for the permanent closing and abandonment of the public way described herein, and in support of such application supplies the following information:

- (a) The name and address of the undersigned are as indicated above.
- (b) The public way which is the subject of this application is generally described by name and United States Post Office numbering or intersecting streets as follows: East side of Chapman Avenue, north of Bouie Avenue,

South of Halpine Road

- (c) The interest of the undersigned in such public way is as follows:

See attached

- (d) The reasons for making such application are as follows:

See attached

\*WMATA (Fee Owner)  
600 Fifth Street, N.W.  
Washington, D.C. 20001  
(202) 962-2208



- (e) A description by metes and bounds of the public way which is the subject of this application is as follows:

See attached

- (f) According to assessment records, all of the owners of real property immediately adjacent to the public way, which is the subject of this application, are as follows:

Name

Address

1. WMATA

600 Fifth Street, N.W.  
Washington, D.C. 20001

\_\_\_\_\_  
Signature of Attorney

*[Signature]*

Reo Lawrence

For: Twinbrook Commons L.L.C

\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn to before me this 5<sup>th</sup> day of May,  
2005.

*Reema Lee Miller*  
commissioned as

*Reema Lee Miller*

\_\_\_\_\_  
Notary Public

My Commission Expires: 5/24/2005

#9:ST.CLO

REEMA LEE MILLER NOTARY PUBLIC HOWARD COUNTY MARYLAND MY COMMISSION EXPIRES MAY 24, 2005
--

Washington Metropolitan Area  
Transit Authority

By: Gary Maloney

Title: Managing Director Property Development

Subscribed and sworn to before me this 1<sup>st</sup> day of May, 2005.

Cynthia G. Jenkins  
Notary Public

My Commission Expires: \_\_\_\_\_

Cynthia G. Jenkins

Notary Public State of Colorado

My Commission Expires 02/23/09

Cynthia G. Jenkins

Notary Public State of Colorado

My Commission Expires 02/23/09

5/18/09

## Statement of Justification Abandonment of Portion of Chapman Avenue

Twinbrook Commons LLC and the Washington Metropolitan Area Transit Authority (the "Applicant") are requesting the abandonment of a portion of the Chapman Avenue right-of-way. More specifically, Applicant is requesting the abandonment of that portion of the right-of-way that runs along the eastern side of Chapman Avenue for the entire frontage of the Twinbrook Commons, from the back-of-curb to the eastern edge of the existing right-of-way. This area has a width of seven feet to feet and encompasses a total land area of 5,059 square feet.

The abandonment is consistent with the overall objectives of the Twinbrook Commons Project and will achieve the following:

1. Consistent treatment of streets throughout Twinbrook Commons whereby the City's interest in the right-of-way runs from back-of-curb to back-of-curb.
2. The sidewalk area from the back-of-curb to the building face will be the responsibility of Applicant and subject to a Declaration of Covenant granting unobstructed access to the public.
3. The ability to establish café zones within the sidewalk area extending from the back-of-curb to building face.

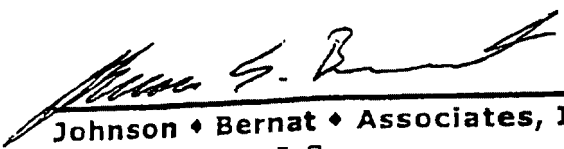
The ability to establish the desired café zones within the area from back-of-curb to the building face provides a tremendous benefit and helps to ensure the creation of an enlivened, active streetscape. Importantly, the abandonment process was used in the Town Center project to achieve the same objective of creating flexible public space and allowing for the establishment of café zones adjacent to certain rights-of-way.

**EXHIBIT "A"****DESCRIPTION OF A PARTIAL ABANDONMENT  
CHAPMAN AVENUE  
PLAT 3043  
FOURTH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND**

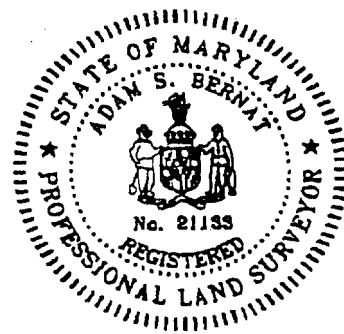
BEING part of Chapman Avenue (60' Right-Of-Way) as recorded among the Land Records of Montgomery County, Maryland, in Plat Number 3043 and being more particularly described as follows:

BEGINNING at a point of intersection on the east line of Chapman Avenue and the north line Halpine Road as shown on a plat recorded among the Land Records of Montgomery County, Maryland, on a Plat 3043 and running thence along the east line of Chapman Avenue crossing and including portions of said Chapman Avenue Right-of-way the following four (4) courses,

1. South 33°24'41" East, 720.27 feet to a point; thence
2. South 56°35'19" West, 7.00 feet to a point; thence
3. North 33°24'41" West, 725.23 feet to a point; thence
4. South 88°06'21" East, 8.58' feet to the POINT OF BEGINNING, containing 5,059 square feet or 0.11614 acres of land.

  
Johnson ♦ Bernat ♦ Associates, Inc.  
Adam S. Bernat, L.S.

4/21/2005  
Date:

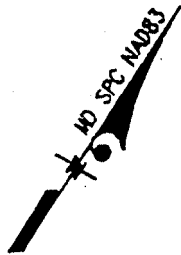


**Engineering ♦ Surveying ♦ Planning**

1395 Piccard Drive, Suite 350 ♦ Rockville, MD 20850 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax  
www.jba-inc.net

EXHIBIT "B"  
CHAPMAN AVENUE  
PARTIAL ABANDONMENT  
FOURTH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

HALPINE RD.  
(80' R.O.W.) PLAT 3043



PARCEL "A" BLOCK 10  
HALPINE  
PLAT NO. 73468



**J.B.A**

Johnson Bernat Associates, Inc.

1395 Piccard Drive, Suite 350  
Rockville, Maryland 20850  
Tel. (301) 963-1133  
Fax: (301) 963-6306  
www.jba-inc.net



S 88°06'21" E  
8.58'

P.O.B.

N 35°24'41" W 725.23'

WMATA  
BLOCK NO. 2  
HALPINE  
D.B. 2823 P. 5  
PARCEL M4419  
L. 9180 F. 137

CHAPMAN AVE.  
(80' R.O.W.) PLAT 3043

53'

80'

S 56°35'19" W  
7.00'

5.059 S.F. OR 0.1161 AC

DRAWN BY: BWJ  
TRACED BY: \_\_\_\_\_  
CHECKED BY: ASB  
DRAWING NO: 03-071

SPRING LAKE PARK HALPINE SUBDIVISION

4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30'  
DATE: 4/20/2005  
PROJECT NO: 03-071  
SHEET 1 OF 1

REVISIONS